

Notice of Allowability

Application No.

10/764,257

Examiner

Courtney Thomas

Applicant(s)

BIEVENUE ET AL.

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-- **Th MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/23/04.
2. ☒ The allowed claim(s) is/are 1-45.
3. ☒ The drawings filed on 23 January 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-45 are allowed.
2. The following is an examiner's statement of reasons for allowance:
3. **As per claim 1 and dependent claims 2-10, 38 and 42**, the examiner found no reference in the prior art that disclosed or made obvious a device for facilitating aligning an X-ray optic with a source of X-rays comprising a) a housing having a first aperture adapted to receive an X-ray optic, b) a surface positioned within the housing from which fluorescence occurs when X-rays directed by the X-ray optic impinge upon the surface and c) wherein the housing with the X-ray optic is positionable relative to the source of X-rays, and wherein alignment is facilitated by monitoring fluorescence from the surface while moving the housing relative to the source of X-ray, as recited in independent claim 1.
4. **As per claim 11 and dependent claims 12-23, 39 and 43**, the examiner found no reference in the prior art that disclosed or made obvious a device for facilitating determining a focusing characteristic of an X-ray optic, the optic being provided with a source of X-rays, the device comprising a) a housing having a first aperture adapted to receive an X-ray optic, b) a surface positioned within the housing from which fluorescence occurs when X-rays directed by the X-ray optic impinge upon the surface and c) means for moving at least one of the X-ray optic and the surface, wherein fluorescence from the surface can be varied to facilitate determining the focusing characteristic of the X-ray optic, as recited in independent claim 11.
5. **As per claim 24 and dependent claims 25-28, 40 and 44**, the examiner found no reference in the prior art that disclosed or made obvious a method for facilitating aligning an X-

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ray optic with a source of X-rays using a device comprising a housing having a first aperture and a surface positioned within the housing from which fluorescence occurs when X-rays impinge upon the surface, the method comprising the step of: moving the housing with the X-ray optic relative to the source while monitoring fluorescence from the surface to facilitate aligning the X-ray optic with the source of X-rays, as recited in independent claim 24.

6. **As per claim 29 and dependent claims 30-37, 41 and 45**, the examiner found no reference in the prior art that disclosed or made obvious a method for facilitating determining a focusing characteristic of an X-ray optic, the optic being provided with a source of rays, using a device comprising a housing having a first aperture and a surface positioned within the housing from which fluorescence occurs when X-rays impinge upon the surface, the method comprising the step of: moving at least one of the X-ray optic and the surface wherein fluorescence from the surface can be varied to facilitate determining the focusing characteristic of the X-ray optic, as recited in independent claim 29.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney Thomas whose telephone number is (571) 272-2496. The examiner can normally be reached on M - F (9 am - 5 pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272 2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CT
Courtney Thomas


DAVID V. BRUCE
PRIMARY EXAMINER